

ORIGINAL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

EAST CAPITAL INVESTMENTS CORP.,

Plaintiff, :

-against-

GENTECH HOLDINGS, INC.,

Defendant. :

Case No. 21 Civ. 10300 (LLS)

**JOINT PROPOSED CASE  
MANAGEMENT PLAN AND  
SCHEDULING ORDER**

This Proposed Case Management Plan and Scheduling Order is submitted jointly by Christopher Milazzo, Esq, of Carmel, Milazzo & Feil LLP, on behalf of Plaintiff East Capital Investments Corp., and Edward Paltzik, Esq., of Joshpe Mooney Paltzik LLP, on behalf of Defendant Gentech Holdings, Inc. in accordance with Fed. R. Civ. P. 26(f)(3), this Court's Individual Practices, and the Court's Order for Conference Pursuant to Rule 16(b), filed by the Court on June 15, 2022.

1. The parties are scheduled to appear before the Court for a conference in accordance with Fed. R. Civ. P. 16(b) on Friday, July 15, 2022 at 12:30 P.M.
2. Plaintiff initiated the instant case to enforce a promissory note executed by Defendant on May 8, 2019 (the "Note"). Plaintiff is the assignee of the Note. Defendant contends that the Note is unenforceable.
3. Joint Proposed Case Management Schedule
  - a. Depositions of fact witnesses shall be completed by October 15, 2022. The parties intend to take the depositions of the following individuals:
    - i. Plaintiff's anticipated depositions:
      1. Defendant Gentech Holdings, Inc.
      2. David W. Lovatt, Chief Executive Officer and President of Defendant

ii. Defendant's anticipated depositions:

1. Christopher Danzi, VP of Sales at Essex Global Investments Corp. ("Essex") and Owner/ Principal at East Capital Investment Corp. ("ECIC")
2. Benjamin Conde, Owner and President of Essex
3. Anthony Conde, Employee of Essex
4. Vincent Danzi, Signatory to the Note Purchase Agreements
5. Phyllis Danzi, Signatory to the Note Purchase Agreements
6. Anthony Lozito, Employee of Fidelis Capital – often a co-investor of Essex and ECIC, and leveraged documents and due diligence performed by Essex and ECIC
7. John Thomas, Attorney who, upon information and belief, prepared several of the Convertible Promissory Notes on behalf of Essex
8. Kyle Denos, Paralegal who worked with John Thomas
9. William Eilers, Attorney who, upon information and belief, prepared at least one of the Convertible Promissory Notes on behalf of Essex

b. Interim Discovery Deadlines

- i. Initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) shall be completed no later than 14 days from the date of this Order.
  - ii. Initial requests for production of documents shall be served by August 15, 2022.
  - iii. Interrogatories pursuant to Rule 33.3(a) of the Local Civil Rules of the Southern District of New York shall be served by August 15, 2022. No Rule 33.3(a) interrogatories need to be served with respect to disclosures automatically required by Fed. R. Civ. P. 26(a).
  - iv. Responses to initial requests for documents and initial interrogatories shall be tendered no later than September 14, 2022.
  - v. Unless otherwise ordered by the Court, contention interrogatories pursuant to Rule 33.3(c) of the Local Civil Rules of the Southern District of New York must be served no later than 30 days before the close of discovery. No other interrogatories are permitted except upon prior express permission of the Court.
- c. All expert discovery, including reports and production of underlying documents shall be completed no later than February 15, 2022. Expert depositions shall be completed no later than March 1, 2023.

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- d. All fact discovery shall be completed no later than January 15, 2023.
  - e. Plaintiff will provide its pre-trial order materials to Defendant no later than March 15, 2023.
  - f. Unless otherwise ordered by the Court, within 30 days of the close of all discovery, or, if a dispositive motion has been filed, within 30 days of a decision on such motion, the parties shall submit to the Court for its approval a Joint Pretrial Order prepared in accordance with the Court's Individual Practices and Fed. R. Civ. P. 26(a)(3). If this action is to be tried to the Court, proposed findings of fact and conclusions of law shall be filed on or before the Joint Pretrial Order due date in accordance with the Court's Individual Practices.
  - g. The final pretrial conference pursuant to Fed. R. Civ. P. 16(e) is scheduled for Friday April 28 at 2:30 pm in Courtroom 21C of the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, New York, New York 10007.
4. The parties are to discuss whether a procedure for designating materials as confidential is necessary in this matter. Any agreement between the parties for designating materials as confidential must conform to the Court's Individual Practices. Any confidentiality agreement between the parties is to be filed within 30 days from the date of this Order. The parties are also to discuss protocols for asserting claims of privilege or of protection as trial-preparation material after such information is produced, pursuant to Federal Rule of Evidence 502. Any agreement reached between the parties concerning such protocols is to be filed within 30 days from the date of this Order.
  5. The parties have not yet exchange interrogatories or document requests. Thus, there have been no discovery issues to date.
  6. The parties do not anticipate the use of expert testimony.
  7. This case is to be tried to the Court. Counsel for the parties have conferred and the present best estimate of the length of trial is three (3) days.
  8. This Order may not be modified or the dates herein extended, except by further Order of this Court for good cause shown which was not foreseeable at the time of the conference or when justice so requires.

9. Counsel for the parties:

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*Attorneys for Defendant*  
*Gentech Holdings, Inc.*

SO ORDERED.

Louis L. Stanton  
HON. LOUIS L. STANTON  
United States District Judge

Dated: July 15, 2022  
New York, New York